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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,481	06/27/2003	Phillip D. Garding	MSFT-1798 (303856.01)	7855
41505	7590	11/15/2006	EXAMINER	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)			NGUYEN, LE V	
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PHILADELPHIA, PA 19103			PAPER NUMBER	
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DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/608,481	Applicant(s) GARDING ET AL.	
	Examiner Le Nguyen	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) 8-15 and 21-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/27/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/18/03, 12/20/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Upon initial review of the claims it appears that claims 1-25 differ in subject matter and therefore require a different search. In accordance with this a restriction is deemed proper.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7 and 16-20, drawn to a method wherein the interface permits the user to conduct administrative operations or perform observations of the current state of the components, classified in class 715, subclass 736.
 - II. Claims 8-15, drawn to interactive display devices/apparatus, classified in class 715, subclass 761.
 - III. Claims 21-25, drawn to a method wherein information is accessed at one site and made available at a second site, classified in class 715, subclass 748.
3. Inventions Groups I and III are directed to related processes. The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, the invention Group I can receive the monitoring information from a another source other than by communicating with the database environment.

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus of II can be used to perform other processes other than communicating with a database.

4. Because these inventions are distinct for the reasons given above, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. George Awad on 11/2/06 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-7 and 16-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-15 and 21-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Drawings

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "480" has been used to designate both a "control" (lines 1, 7 and 11 of page 13) and a "display area" (lines 11 and 13 of page 14) and reference character "520" of fig. 5 has been used to designate both a "display area" (lines 19, 20, 25, 27, 28 and 30 of page 14) and a "control content" (lines 20, 21, 27, 28 and 29 of page 14) and reference character "14" has been used to designate both a "network" (fig. 13; line 9 of page 12) and an "Applications" (line 10 of page 12). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 20a, 20b and 20c (line 9 of page 10); 20 (lines 12 and 13 of page 10); 10 (line 14 of page 10); DB Server 4 (lines 6, 9, 14 and 21 of page 12); Data Store 4 (lines 7, 16, 19, 20 and 22 of page 12). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Specification

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 195 of fig. 1; 110a, 110b and 110c of fig. 2; 485 of fig. 4A; 620 of fig. 6. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the

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application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The disclosure is objected to because of the following informalities:

- a) "DB Servers, 1, 2, 3 and 3" in lines 15-16 of page 12 appears to contain a typographical error;
- b) "Display areas 410, 420, 420 and 450" in line 21 of page 13 appears to contain a typographical error; and
- c) "communications network 160" in lines 10-11 of page 10 appears to be referring to "Communications Network14" of fig. 3 and needs to be corrected accordingly..

Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 1-7 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Firstly, line 4 of claim 1 recites “a *small* fraction” wherein “small” is a relative term lacking a comparative bases; and, lines 4-5 of claim 1 recites “the *available* computing environment” wherein it is not clear whether “available” is dependent on a condition not stated. The examiner will interpret “a small fraction of the total size of the available computing environment operating display space” to mean: less than the whole computing environment operating display space.

Secondly, lines 2-3 of claim 16 recites “a small size in relation to the total available display space”. Although “small” is a relative term, “available” lacks a clear comparative bases since it is not clear how small relative to the total size, e.g. 90% of the total. The examiner will interpret “a small size in relation to the total available display space” to mean: less than the whole display space.

Lastly, claims 1 and 16 recites “micro-monitor...display space” in lines 4-5 of claim 1 and lines 2-3 of claim 16. It is unclear what is meant by “micro-monitor”, since a micro-monitor comprises a GUI as well as application logic. In view of the contextual usage of “micro-monitor”, the examiner will interpret “micro-monitor” to mean: micro-monitor window/GUI.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-7 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ding et al. ("Ding") in view of Screen Dumps of Microsoft Word ("MS Word").

As per claims 1 and 7, although Ding teaches a method to monitor database environments with a computer readable medium having computer readable instructions to instruct a computer to perform the method comprising providing a micro-monitor application, the micro-monitor application having a graphical user interface to display monitoring information about cooperating database environments and providing a communication means, the communication means used by the micro-monitor to communicate with cooperating database environments (col. 7, line 39 through col. 8, line 4; col. 8, lines 41-61; *monitoring database environment including database usage for display on GUIs of monitors such as monitor consoles 420a and 420b*), Ding does not explicitly disclose the size of the micro-monitor GUI/window being less than the whole computing environment operating display space. MS Word teaches the size of the GUI element to be less than the whole computing environment operating display space (pages 1-3). It would have been obvious to an artisan at the time of the invention to incorporate the method of MS Word with the method of Ding so that users can view other applications and best utilize the limited display space.

As per claim 2, the modified Ding teaches a method to monitor database environments comprising providing size adjustment controls for the micro-monitor application, wherein the controls perform the task of expanding the size of the micro-monitor (MS Word: pages 1-3).

As per claim 3, the modified Ding teaches a method to monitor database environments comprising providing command line controls for the micro-monitor application, wherein the command line controls allow the micro-monitor to control one or more operations of the cooperating database environments (Ding: col. 9; lines 25-39; e.g. *a user can build and deploy a policy to restrict web browser access based on certain conditions*).

As per claim 4, the modified Ding teaches a method to monitor database environments comprising providing navigation controls for the micro-monitor application that allow users to obtain detailed monitoring information (Ding: fig. 2; col. 7, lines 35-38; e.g. *156 and 158*).

As per claims 5 and 6, although the modified Ding teaches a method to monitor database environments comprising providing users with alerts through micro-monitor application representative of database environment operational states (col. 7, line 39 through col. 8, line 4; col. 8, lines 41-61; col. 9, lines 14-45), the modified Ding does not explicitly disclose whether the alerts are one of a graphic alert or one of a sound alert. Official notice is given that the use of either graphic or sound as a means to notify or alert users are well known in the art. It would have been obvious to an artisan at the time of the invention to incorporate either one, i.e. graphic or sound, with the method of

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the modified Ding in order to accommodate users with disabilities as well as provide an additional implementation preference.

As per claim 16, although Ding teaches a system to monitor a computing environment comprising a micro-monitor and a communications means, the communications means used by the micro-monitor to communicate data to and from the computing environment (col. 7, line 39 through col. 8, line 4; col. 8, lines 41-61), Ding does not explicitly disclose the micro-monitor GUI/window having a size that is less than the whole display space. MS Word teaches a GUI/window having a size less than the whole display space (pages 1-3). It would have been obvious to an artisan at the time of the invention to incorporate the method of MS Word with the method of Ding so that users can view other applications and best utilize the limited display space.

As per claim 17, the modified Ding teaches a system to monitor a computing environment wherein the micro-monitor comprises a plurality of display areas for use to display monitoring information (Ding: col. 7, line 39 through col. 8, line 4; col. 8, lines 41-61; col. 9, lines 14-45; MS Word: pages 1-3).

As per claim 18, the modified Ding teaches a system to monitor a computing environment wherein the micro-monitor comprises command controls allowing the micro-monitor to perform at least one operation on the computing environment (Ding: fig. 2; col. 7, lines 35-38; col. 9, lines 25-39; e.g. *a user can build and deploy a policy to restrict web browser access based on certain conditions via controls 156 and 158*).

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As per claim 19, the modified Ding environment wherein the micro-monitor is expandable to a larger size (MS Word: pages 1-3).

As per claim 20, although the modified Ding teaches a system to monitor a computing environment wherein the micro-monitor generates notices representative of at least one error occurring in the computing environment (Ding: col. 7, line 39 through col. 8, line 4; col. 8, lines 41-61; col. 9, lines 14-45), the modified Ding does not explicitly disclose whether the notices are one of a graphic alert or one of a sound alert. Official notice is given that the use of either graphic or sound as a means to notify or alert users are well known in the art. It would have been obvious to an artisan at the time of the invention to incorporate either one, i.e. graphic or sound, with the method of the modified Ding in order to accommodate users with disabilities as well as provide an additional implementation preference.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hayes et al. (US 6,772,411 B2) teach a software performance and management system.

Smith (US 2001/0012022 A1) teaches a mutatably transparent displays.

Crow et al. (US 6,262,724 B1) teach UI for presenting media information.

Inquires

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LVN
Patent Examiner
November 4, 2006